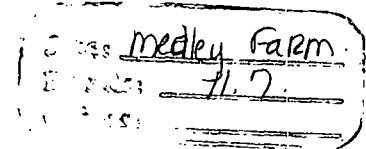


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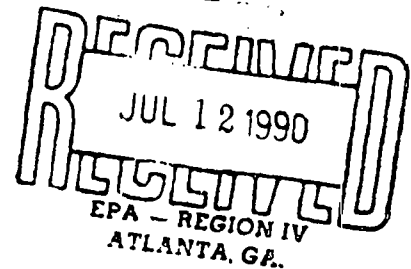
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WASHINGTON, D. C. 20006
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July 11, 1990

VIA HAND DELIVERY

Mr. Jon K. Bornholm
Remedial Project Manager
United States Environmental
Protection Agency, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

RE: Medley Farm Site



Dear Mr. Bornholm:

This letter is to notify you that the Medley Farm Site Steering Committee (the Steering Committee) is invoking the dispute resolution provisions of Section XII of the Administrative Order on Consent signed by the Environmental Protection Agency (EPA) and members of the Steering Committee for work to be performed at the Medley Farm Site. We are invoking dispute resolution to resolve the differences between the Steering Committee and the EPA with regard to the decision set forth in your letter of June 27, 1990 directing the Steering Committee to proceed with the Risk Assessment (RA) and Feasibility Study (FS) for the Site without performing additional Remedial Investigation (RI) work. As we discussed with you and others at our June 29, 1990 meeting, the Steering Committee does not wish to be in an adversarial posture with the Agency. However, since we have been unable to resolve this matter during the fourteen-day period following notification of the Agency's decision, we believe we must invoke the dispute resolution provisions in order to preserve our rights under the Administrative Order. This letter sets forth the Steering Committee's position on the need to perform additional Remedial Investigation work prior to completing the Risk Assessment and Feasibility Study.

The Steering Committee submitted the draft Remedial Investigation Report to EPA on March 30, 1990. The Steering Committee's consultants, Sirrine Environmental Consultants, were beginning work on the Risk Assessment and Feasibility Study at that time. In the course of developing the Risk Assessment and Feasibility Study, Sirrine and the Steering Committee realized that the data and information collected during the RI was inadequate to complete the Risk Assessment and Feasibility Study.

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May 15 letter
This belief was confirmed upon receipt of your letter of May 15, 1990 which transmitted EPA's and the South Carolina Department of Health and Environmental Control's (SCDHEC) comments on the draft Remedial Investigation Report.

The major concerns encountered in the work on the Risk Assessment and Feasibility Study, and the major concerns expressed in the comments from EPA and SCDHEC, relate to insufficient information concerning the fate and transport of contaminants and hydrogeological conditions at the Site. For example, your comment 22 states "[a] more comprehensive characterization of the Site's hydrogeological conditions should be made in order to determine the nature and extent of groundwater contamination. The collection of data is important for an efficient remediation design and the evaluation of the selected remedy." Comment 24 specifically calls for ". . . another phase of monitoring well installation to fully characterize the vertical and horizontal extent of groundwater contamination." Comment 57 states that ". . . an additional Phase-II investigation will be required to adequately define the area of contaminated soil and the groundwater plume."

how deal w/ deadlines
Based on these comments and the initial work on the Risk Assessment and Feasibility Study, the Steering Committee has concluded that a Phase II Remedial Investigation is appropriate. The Work Plan and Project Operations Plan for the Site both anticipated the possibility of a Phase II Remedial Investigation. At the meeting held on June 8, 1990, attended by you and representatives of SCDHEC, the need for additional remedial investigation work was discussed. It appeared at the conclusion of that meeting that EPA and SCDHEC agreed with the Steering Committee that additional work is necessary before an adequate Risk Assessment and Feasibility Study can be completed. We agreed that the Steering Committee would submit to the Agency by July 11, 1990, a report to identify the data gaps preventing completion of the Risk Assessment and Feasibility Study and a Work Plan proposing additional work. In your letter of June 13, 1990, confirming the results of our meeting, you stated "[t]he Agency will make a determination following the review of these documents on whether to reschedule the Record of Decision" (emphasis added). *Sufficient?*

The Steering Committee and Sirrine were in the process of developing those documents when we received your June 27, 1990, letter indicating that the Agency had made a decision on this matter. Your letter directed us to complete the Risk Assessment and the Feasibility Study, at least with regard to groundwater, for submission by July 20, 1990. In response to your letter, the Steering Committee requested a meeting with the Agency.

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At that meeting, which occurred on June 29, 1990, the representatives of the Steering Committee discussed with you, Giselle Bennett, and Wayne Lee the problems and limitations which would be encountered if the Steering Committee attempted to complete the Risk Assessment and Feasibility Study prior to conducting the additional work. We also requested a meeting with your Branch Chief, Bob Jordan, but he was unavailable to meet with us before the week of July 16. At the June 29 meeting, EPA presented no reason for proceeding on the current schedule. The Agency, SCDHEC, Sirrine and the Steering Committee have always contemplated that additional work might be necessary and, if so, that the schedule would be adjusted accordingly. That is why the Work Plan and Project Operations Plan for the Site both provide for a Phase II Remedial Investigation.

The additional work proposed in the Phase II Work Plan can be completed and final Risk Assessment and Feasibility Study Reports can be submitted to EPA by the end of the next quarter of the next fiscal year. Proceeding with additional work now will in no way impact the overall schedule for remediation of the Site. In the meantime, the Site poses no immediate threat to human health or the environment. Nearly all waste material was removed from the Site in 1983, and our analysis of the RI data collected to date is that no contamination has migrated off Site.

If the Steering Committee attempts to submit the draft Risk Assessment and Feasibility Study Reports on a groundwater operable unit as you have directed, we do not believe that we can submit RA/FS Reports that will meet Agency guidelines and criteria. Based on the Phase I RI data, the contaminant pathway and transport systems cannot be adequately characterized. For example, without additional data, it will be impossible to assess the risk of dermal exposure and ingestion of contaminants through soils. For groundwater, it will be impossible to evaluate a range of remedial alternatives. Likewise, cost estimates for groundwater remediation cannot be developed with any accuracy. Furthermore, it is illogical to proceed with RA/FS Reports on groundwater without knowing the extent of soil contamination or the remedial alternatives for soil when it is the soil that is the source of groundwater contamination.

Requiring completion of a Risk Assessment and Feasibility Study on a groundwater operable unit by July 20 is inconsistent with the National Contingency Plan. See 40 C.F.R. § 300.430(a)(1); 40 C.F.R. § 300.430(d)(1). Dividing this Site into operable units will not achieve significant risk reduction quickly nor will it expedite the completion of total Site cleanup. The Agency has not suggested remediation or risk reduction measures are necessary or technologically possible before additional data is collected on both groundwater and soils.

Meeting now?

What does this mean. how can this be.

draft RI Nov. 26

final revised RI Report by end Dec. 31
draft RA FS Dec 31

We need to respond to this

*

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Moreover, the additional data is intended to eliminate the questions and concerns raised by EPA and SCDHEC comments on the Phase I RI Report regarding the vertical and horizontal extent of groundwater contamination, the interrelationship between the bedrock and saprolite aquifers and the pattern of groundwater flow. The purpose of an RI is to answer such questions. In any event, all this data must be collected before this Site is remediated.

We strongly believe all additional work should be done now rather than later, should be performed as a single operable unit, and should be the basis for a single Risk Assessment Report and single Feasibility Study Report on the entire Site. If required to proceed otherwise, it is still unlikely that a ROD on the groundwater unit could be issued this fiscal year or that such a ROD would comply with the National Contingency Plan given the incompleteness of existing groundwater data. See 40 C.F.R. § 300.430(F). A second ROD on the soil operable unit would follow, but only after additional field work and analysis has been performed and a second set of Risk Assessment and Feasibility Study Reports have been submitted. The soil work will almost certainly result in re-evaluation of the groundwater remedy, and may require amendment of that ROD. We believe it is inconsistent with the National Contingency Plan to engage in such piecemeal and duplicative work, particularly when we do not understand what purpose it serves. Our comments at any public hearing on the Record-of-Decision would include these elements.

Attached for your review are the documents we agreed to submit on July 11. The Steering Committee hopes the Agency will review these documents and reconsider its decision on the need for additional RI work. The Steering Committee will be available to meet with EPA and SCDHEC officials at your convenience to discuss this matter further. We sincerely hope that this dispute can be resolved and that work on this Site can proceed as before in a cooperative fashion.

Sincerely,

For the Medley Farm Site
Steering Committee


Les Oakes


Mary Jane Norville

MJN/blm
39004.44003
Attachment

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July 11, 1990
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cc: Medley Farm Site Steering Committee
Mr. Gordon Peterson
Mr. Jim Chamness